

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NORTH DAKOTA  
EASTERN DIVISION**

STATE OF WEST VIRGINIA, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
and	)	
	)	
AMERICAN FARM BUREAU	)	
FEDERATION, <i>et al.</i> ,	)	Civil No. 3:23-cv-0032
	)	
Intervenor-Plaintiffs,	)	
	)	
v.	)	
	)	
U.S. ENVIRONMENTAL PROTECTION	)	
AGENCY, <i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

**INTERVENOR-PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65, Intervenor-Plaintiffs the American Farm Bureau Federation; American Petroleum Institute; American Road and Transportation Builders Association; Associated General Contractors of America; Cass County Farm Bureau; Leading Builders of America; National Apartment Association; the National Association of Home Builders of the United States; National Association of REALTORS®; National Cattlemen’s Beef Association; National Corn Growers Association; National Mining Association; National Multifamily Housing Council; National Pork Producers Council; National Stone, Sand and Gravel Association; North Dakota Farm Bureau; Public Lands Council; and U.S. Poultry and Egg Association (“plaintiffs”) respectfully move for the entry of a preliminary injunction prohibiting Defendants from enforcing, implementing, applying, or otherwise giving effect to the *Revised*

*Definition of “Waters of the United States”*, 88 Fed. Reg. 3004 (Jan. 18, 2023). Plaintiffs submit their memorandum in support concurrently with this motion.

Dated: March 29, 2023

Respectfully submitted,

/s/ Katie J. Schmidt

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